

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA :

vs. : CRIMINAL NO. 11-00122-KD

PEDRO LAMELA-CARDENAS :
and JAVIER RAMON RODRIGUEZ

ORDER

This cause came on for a pretrial conference on July 12, 2011 (*see* Docs. 32 & 33) and during that conference counsel for the defendants made oral motions to continue the trial, to which the Government interposed no objection.

Upon consideration of the grounds presented and the Court's record, the undersigned finds that neither the United States nor any of the defendants will be unduly prejudiced by a continuance into the September 2011 criminal term; therefore, the oral motions to continue made by Lamela-Cardenas and Rodriguez are **GRANTED** and the trial is **CONTINUED** to the September 2011 criminal trial term.

The Court further finds, pursuant to 18 U.S.C. § 3161(h)(7)(A), that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant[s] in a speedy trial." The reasoning for this decision is as follows. Presently pending before United States District Judge Kristi DuBose for a ruling are the defendants' motions to suppress (Docs. 34 & 38). It appears to the undersigned that if

the motions to suppress are granted, the government's case against these two defendants will suffer a severe, if not mortal, blow. Counsel for the defendants have proffered valid reasons for the extension of the pretrial preparation period in order to determine a reasonable settlement of the charges or to otherwise prepare for trial, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), pending the Court's resolution of the motions to suppress. Therefore, for the purposes of the Speedy Trial Act, any delay resulting from this continuance is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) (excluding "[a]ny period of delay resulting from a continuance granted by any judge . . . if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.").¹

The defendants shall file waivers of their Speedy Trial rights not later than **July 26, 2011**. The cause shall come on for a pretrial conference before the undersigned on **August 9, 2011 at 9:00 a.m.**, Courtroom 3A, United States Courthouse, Mobile, Alabama.

DONE and ORDERED this the 12th day of July, 2011.

s/WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE

¹ In truth, the period of delay herein requested by the defendants is excludable pursuant to 18 U.S.C. § 3161(h)(1)(D). *See id.* (excluding any "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion").